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Licata & Tyrrell P.C.

66 E. Main Street
Marlton, New Jersey

Tel: (856) 810-1515

Fax: (856) 810-1454

E-Mail: JMLicata@licataandtyrrell.com

April 23, 2004

GROUP: 1635

FAX NUMBER: 1-703-872-9306

ATTORNEY DOCKET NO.: RTS-0343

SERIAL NO.: 10/023,782

FILED: December 17, 2002

NUMBER OF PAGES: 8

(including this sheet)

MESSAGE: Attached is an Amendment Transmittal Letter (in duplicate); and
Reply to Restriction Requirement dated March 25, 2004.

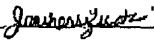
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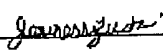
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AMENDMENT TRANSMITTAL LETTER (Large Entity)				Docket No. RTS-0343	
Applicant(s): Cowser and Freier					
Serial No. 10/023,782	Filing Date December 17, 2001	Examiner James Schultz		Group Art Unit 1635	
Invention: ANTISENSE MODULATION OF TFAP2C EXPRESSION					
<u>TO THE COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	19 -	20 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0 x	\$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
 <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
<div style="text-align: right;"> _____ Signature</div> <div>Jane Massey Licata Reg. No. 32,257 Licata & Tyrrell P.C. 66 E. Main Street Marlton, NJ 08053 Tel: 856-810-1515 Fax: 856-810-1454</div>		Dated: April 23, 2004			
cc:		<div>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37C.F.R. 1.8 and is addressed to the _____ for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</div> <div style="border-top: 1px solid black; height: 40px; margin-top: 10px;"></div> <div style="text-align: center; font-size: small;">Signature of Person Mailing Correspondence</div> <div style="border-top: 1px solid black; height: 20px; margin-top: 10px;"></div> <div style="text-align: center; font-size: small;">Typed or Printed Name of Person Mailing Correspondence</div>			

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CLAIMS AS AMENDED					
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INDEP. CLAIMS	2 -	3 =	0 x	\$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</div><div>Dated: April 23, 2004</div></div> <div style="margin-top: 20px;"><div style="display: flex; justify-content: space-between;"><div> _____ Signature Jane Massey Licata Reg. No. 32,257 Licata & Tyrrell P.C. 66 E. Main Street Marlton, NJ 08053 Tel: 856-810-1515 Fax: 856-810-1454</div><div style="border: 1px solid black; padding: 5px; width: 40%;"><p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37C.F.R. 1.8 and is addressed to the for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p><div style="border-top: 1px solid black; height: 20px; margin-top: 10px;"></div><div style="border-top: 1px solid black; height: 20px; margin-top: 10px;"></div><div style="border-top: 1px solid black; height: 20px; margin-top: 10px;"></div></div></div><div style="margin-top: 20px;">CC: _____</div></div>					

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: RTS-0343
Inventors: Cowser and Freier
Serial No.: 10/023,782
Filing Date: December 17, 2001
Examiner: James Schultz
Group Art Unit: 1635
Title: Antisense Modulation of TFAP2C
Expression

Certificate of Facsimile Transmission

I hereby certify that this paper is being facsimile
transmitted to the Patent and Trademark Office on
the date shown below.

On April 23, 2004

Jane Massey Licata
Jane Massey Licata Registration No. 32,257

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

REPLY TO RESTRICTION REQUIREMENT

This reply is to the Restriction Requirement mailed
March 25, 2004, setting a one (1) month statutory period for
response.

Remarks begin on page 2 of this paper.

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REMARKS

Claims 1-20 are pending in the instant application. The Examiner has acknowledged that the Preliminary Amendment (filed February 20, 2003) which canceled claim 3 and amended claim 1 such that claim 1 recites the target sequence is considered to be responsive to a restriction requirement as the amended claims recite only one sequence. However, the pending claims have been subjected to a further restriction under 35 U.S.C. §121 as follows:

Group I, claims 1-14, drawn to antisense compounds targeted to TFAP2C, classified in class 536, subclass 24.5.

Group II, claims 15-20, drawn to methods of inhibiting the expression of TFAP2C, and to methods of treating an animal comprising the use of antisense compounds targeted to TFAP2C, classified in class 514, subclass 44.

The Examiner suggests that Groups I and II are related as a product and process of use. It is suggested that the product antisense oligonucleotides can be used as probes for identifying the presence of specific mRNA transcripts in in situ hybridization assays, which does not involve administering

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Inventors: Cowser and Frier
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antisense oligonucleotides to cells, tissues, or whole animals as present in Group II.

Applicants respectfully traverse this restriction requirement.

The criteria which must be met for a restriction requirement to be proper are set forth in MPEP §803 and include: (1) that the inventions be independent or distinct and (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP 802.01 defines "distinct" to mean that the "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made there, etc., but are capable of separate manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

Clearly, the two suggested groupings in this application contain claims with the same elements or technical features, namely, a compound targeted to TFAP2C. Furthermore, the claims identified in Group II are dependent claims upon claim 1. Thus, by their very dependency they are as a matter of both fact and law related.

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Further yet, there would be no additional search burden on the Examiner if the restriction is not made. Clearly any search performed to identify art relating to a compound targeted to TFAP2C would also identify relevant art to any methods of inhibiting the expression of TFAP2C using compounds targeted TFAP2C.

Accordingly, since the instant restriction requirement fails to meet either of the two criteria for proper restriction, withdrawal of the requirement is respectfully requested. It is therefore respectfully requested the pending claims 1-20 be allowed to remain in the instant application for prosecution.

However, in an earnest effort to be fully responsive in the event that the restriction requirement is not withdrawn, and to further facilitate prosecution, Applicants elect Group I, claims 1-14, drawn to compounds targeted to TFAP2C, with traverse.

Respectfully submitted,

Jane Massey Licata

Jane Massey Licata
Registration No. 32,257

Date: April 15, 2004

Licata & Tyrrell P.C.
66 Main Street
Marlton, NJ 08053
856-810-1515